

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL SECURITY  
COUNSELORS, INC.,

Appellant,

v.

DEPARTMENT OF JUSTICE,

Appellees.

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Civil Action No. 15-5117

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**STATEMENT OF ISSUES TO BE RAISED**

Appellants National Security Counselors, Inc., (“NSC”) and Jeffrey Stein, by and through undersigned counsel, hereby respond to the Court’s Scheduling Order dated 28 April 2015 as follows. This case involves the following questions:

1. Whether the District Court erred in concluding as a matter of law that the Federal Bureau of Investigation’s (“FBI”) policy of only including 500 pages on each CD (“the CD Policy”) does not violate the Freedom of Information Act (“FOIA”) or Department of Justice FOIA regulations?
2. Whether the District Court erred in concluding as a matter of fact that FBI does not charge more fees than FOIA allows when adhering to the CD Policy?

3. Whether the District Court erred in concluding as a matter of fact that the CD Policy speeds up the review of FOIA requests?
4. Whether the District Court erred in concluding as a matter of fact and law that FBI assessed reasonable duplication fees to Appellants?
5. Whether the District Court erred in concluding as a matter of fact and law that Appellant NSC was not entitled to a public interest fee waiver?
6. Whether the District Court erred in concluding as a matter of fact and law that Appellant NSC conceded the argument that its use of the requested records would not significantly increase public understanding of government operations?
7. Whether the District Court erred in concluding as a matter of fact and law that discovery was not appropriate in this case?

Date: May 28, 2015

Respectfully submitted,

/s/ Kelly B. McClanahan

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